

Application No.: 10/728,974
Amendment dated: October 22, 2004
Reply to Office Action of: June 22, 2004

AMENDMENTS TO THE DRAWINGS:

Please enter the attached Replacement Sheet.

REMARKS

Claim 1 has been amended, and new claim 2 added to improve the clarity of the claimed subject matter and to bring the claims into conformity with U.S. practice and format, and to place the application fully in condition for allowance. The original Abstract has been amended to provide a more concise summary of the disclosure in accordance with U.S. practice format. The specification has been amended to better describe the invention. Support for the amendments is found in at least original Figures 1 and 2.

Claims 1 and 2 remain pending upon entry of the amendments to the claims above.

Claim Rejections under 35 U.S.C. § 102

Claim 1 is rejected under 35 USC 102 as being anticipated by U.S. 4,755,158 (Wise). Claim 1 has been extensively amended to more clearly claim the inventive subject matter. If the earlier rejection is to be maintained with regard to amended claim 1, Applicant most respectfully traverses such finding.

Applicant respectfully wishes to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by

the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

Independent claim 1 positively recites a soft glove with separated and adjacent finger portions, upper and lower surfaces, a plurality of spaces formed between the adjacent finger portions, a rubber pad adhered to a portion of the bottom surface of the soft glove, such that the spaces formed between the adjacent finger portions are filled by the rubber pad, and the rubber pad is substantially flat after adhesion to the soft glove, as illustrated in Figures 1 and 2.

In contrast, the paddling glove of Wise teaches a one-piece glove, wherein a separate rubber pad is not adhered to a bottom surface of the glove. The Examiner is directed to Figures 1 and 2 of Wise which illustrates that the web 3 extends between the finger portions 2 away from the bottom surface of the glove, as illustrated in Figure 2. A rather complicated molding process is required to produce the paddling glove of Wise. In contrast, the claimed invention is a two-piece glove structure that is adhered together in a simple and inexpensive manner.

In view of the amendments to claim 1, and the remarks above, withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claim 1 is rejected under 35 USC 103 as being unpatentable over U.S. 4,964,824 (Spencer et al.) in view of U.S. 4,548,588 (Kosuge). The Examiner seeks to modify the swimming glove of Spencer et al. by replacing the equated pad (cap member 10a) with a rubber material. Applicant respectfully submits that even if the

material for the cap member 10a of Spencer is replaced with a rubber material, the resulting device will not teach, disclose or suggest all of the claimed elements of independent claim 1, as presently amended. As illustrated in Figures 1-3 of Spencer et al, the finger portions 13-17 of the glove 11 each include locking rings 20 at open ends thereof that are interlocked with ridges 42 of the cap member 10a to interlock the glove 10 with the cap member 10a.

The glove 10 of Spencer et al. includes webbings 25, 28 that are one-piece with the glove, and do not require the two-piece structure of the claimed invention. The Examiner will note that in the claimed invention, the rubber pad (2) is adhered to a bottom surface of the soft glove in order to not only create the webs between the finger portions of the glove, but also to pad the bottom surface of the soft glove in order to protect the user's hand when the glove structure scratches an object such as corals.

Applicant respectfully submits that modification of the base reference to Spencer et al. according to teachings of Kosuge will not teach, disclose or suggest all of the claimed elements of independent claim 1.

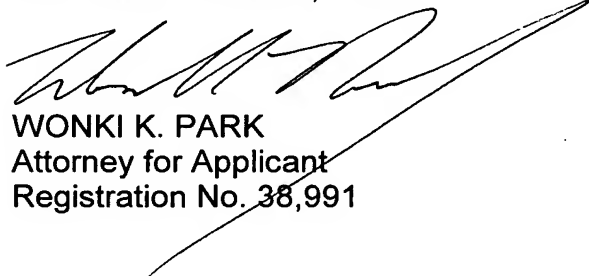
Claim 2, which depends from claim 1, further recites that the rubber pad includes a concave portion such that when the rubber pad is adhered to the soft glove, a portion of the bottom surface of the soft glove is not covered by the rubber pad, as illustrated in Figures 1 and 2. The concave portion 21 of the rubber pad 2 of the claimed invention leaves open an open surface on the bottom surface of the soft glove that is not adhered to by the rubber pad 2, in order to permit freer movement of the soft glove 1 after it is adhered to the rubber pad.

In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the

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event there are any outstanding matters remaining in the present application which can be resolved by a telephone call or facsimile communication to Applicant's Attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,
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